

(SRI M. S. KRISHNAN)

well within your rights to put it to vote. We have not at all discussed the merits. We have talked only on the introduction of the Bill, upon which, of course, some decision is taken. You have given a ruling and I am not going into its merit as to whether it is proper or not. The position is, is it in accordance with the rules of procedure, to speak. I have a right to speak on the merits of the bill and you have not given the opportunity to speak on the merits of the Bill. Without giving an opportunity to members, you are putting it to the vote. That is violation of the rule itself. If such an approach is taken in regard to a Bill, how can we carry on with legislative work? With due respect I wish to submit that the attitude taken must be rectified and we may be permitted to speak on the merits. Then only you can go to second reading.

Mr. DEPUTY SPEAKER.—The Hon. Member was not here. It was fully discussed. Many members spoke on the Bill. No member was prevented from sending his amendments. I have strictly followed the rules and the Bill is passed. I have called the next Bill.

Sri M. N. RAMANNA (Turuvekere).—When the Chair has stated that the Bill is passed, where is the scope for the discussion on that Bill?

Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968.

Motion to consider.

Sri K. PUTTASWAMY.—I beg to move :

“ That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration.”

Mr. DEPUTY SPEAKER.—Motion moved :

“ That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration.”

Sri K. PUTTASWAMY.—Sir, This is a very simple amendment.

According to Section 48 of the Mysore Court Fees and Suits Valuation Acts, 1958, the fee payable on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of property for public purpose, is computed on the difference between the amount awarded and the amount claimed by the appellant. But in the case of Narasiyappa and 26 others *Vs.* Central Government and others, the question of Court-fee payable on appeal under Section 11 of the Requisition and Acquisition of Immovable Property Act, 1952 came up before the High Court for

consideration. It was contended that under Section 48 of the Mysore Court Fees and Suits Valuation Act, an *ad valorem* court-fee was made payable on the difference of amount awarded by the arbitrator and the amount claimed by the appellant. But the High Court interpreted that an order under Section 48 of the said Act as being referable to an order passed by Civil Courts. If compensation had been determined by an Arbitrator under the Requisition and Acquisition of Immovable Property Act, 1952, it was held by the High Court that no Court-fee was payable at all in such matters. According to this decision, no court-fee can be recovered in matters arising out of awards passed under the Requisition and Acquisition of Immovable Property Act. Therefore, to cure this defect, Section 48 of the Mysore Court Fees and Suits Valuation Act, 1958 is being amended with the additional words "decision, award or" For the word "order" the words "decision, award or order" are being substituted. If this is done, the decision, award or order passed under the Requisition and Acquisition of Immovable Property Act will be similar to the award passed under the Land Acquisition Act.

This is a simple amendment and I am sure the House would agree to it.

† Sri M. S. KRISHNAN.—I have a point of order. Rule 73 of the Rules of Procedure says:

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill, namely:—

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that except in cases of Appropriation Bills, any member may object to any such motion being made unless copies of the Bill have been so made available for seven days, before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made."

I did not wish to speak about the previous Bill in terms of this Rule. But very often most of the Bills suffer from this lacuna. So far as the present Bill is concerned, it ought to have been given to us seven days before the motion was made. I am not very much worried whether it is a consequential or inconsequential amendment. For that matter, everything is consequential. Every Bill is important. As far as we are concerned, some Bills were given yesterday and others including this, were given only to-day. Under the circumstances, it was not possible for lay-men like us to study them. The Hon. Minister Sri K. Puttaswamy, who happens to be an Advocate of eminence, might be in a position either to introduce the Bill or speak on it. Only Advocates may be able to give amendments on the Bill without notice. But a layman like me, being not an Advocate, will not be in a position to suggest amendments or to speak unless and until we are able to get the Bills in sufficient time.

Mr. DEPUTY SPEAKER.—This Bill was introduced on 15th January 1969. Then alone copies were also circulated. They were sent to the Members. So, there is no merit in the point of order.

Sri L. SRIKANTIAH.—I want a clarification from the Minister in order to understand the nature of the Bill. I would like to know what are these orders passed under Section 48 of the Mysore Court Fees and Suits Valuation Act, which are not covered by the orders of the Civil Courts. What is the purpose that led the Government to bring this amendment? Unless this is clarified, we cannot speak on the Bill. If the explanation of the Hon. Minister is convincing, we can accept the Bill as it is.

Sri K. PUTTASWAMY.—I thought my hon. friend followed me when I made my introductory remarks. Perhaps I did not make myself quite clear. I have already stated in my introductory remarks that awards are being passed by the Land Aquisition Officers under the Requisition and Aquisition of Immovable Property Act also. When the matter came up before the High Court in the appeal of Narsiyappa and others, the High Court held that this award was not covered by the appropriate Section in the Act inasmuch as Section 48 of the Mysore Court Fees and Suits Valuation Act, 1968 only referred to matters arising out of orders of Civil Courts. Therefore, they held that no Court-fee was payable in such cases and that has necessitated this amendment.

Sri D. B. KALMANKAR.—What about awards passed by the land Acquisition Officers under the Land Acquisition Act? Do you mean to say that even in such cases, court-fee is to be paid according to this Bill?

Sri K. PUTTASWAMY.—This does not relate to matters arising out of the awards passed under the Land Aquisition Act. I made it very clear that Narsiyappa's case arose out of the awards passed under the Requisition and Acquisition of Immovable Property Act 1952 and that the High Court held that in respect of award passed under that Act, no Court-fee was payable. Hence, if we leave the matter as it is, it would mean that court fee is recoverable in appeals which are preferred against the awards passed under the Requisition and Acquisition of Immovable Property Act.

6-30 P.M.

Sri L. SRIKANTIAH.—Sir I want a clarification. Suppose the aggrieved party goes to the High Court in appeal, he has to pay according to the amending Bill court fees on the difference between the amount awarded and the amount claimed by the aggrieved party. Ultimately if he succeeds, the court fee would be taxed to the Government cost. If the Government perfers an appeal against the award of the Arbitrator, it need not pay any court fee at all. The object of the Bill is to recover court fees on the difference between the awarded amount and the amount claimed by the aggrieved party.

ತೀರ್ಥೇ ಎಂ. ನಾಗಪ್ಪ.—ಅಧ್ಯಕ್ಷರೇ, Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968—ಇದನ್ನು ನಾನು ವಿರೋಹಿಸುತ್ತೇನೆ. ಇದುವರೆಗೆ 48ನೇ ಕಲುಂ ಪ್ರಕಾರ ರೂಪ್ತಾ ಅಕ್ಷಯಿಷ್ಣನ್ ಕೇನಸ್ ಮೇಲೆ ಸಂಬಿಂಧಪಟ್ಟವರು ಅಖಿಲ್ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವ ಬಂದು ಕೋಟಿ ಫೀಯನ್ನು ಸಹ ಕಟ್ಟಿತ್ತಾ ಇರಲಿಲ್ಲ. ಸಕಾರದವರು ಒಂದು ಜಿವೀನನ್ನು ಸ್ವಾಧಿನಪಡಿಸಿಕೊಂಡು ಅದಕ್ಕೆ ಅವಾಡ್ ಕೋಟಿ ಮೇಲೆ ಸಂಬಿಂಧಪಟ್ಟವರು ಅದು ಸಾಲದು ಎಂದುಕೊಂಡು ಕೋಟಿಗೆ ಅಶ್ವಿಲ್ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ರೂಪ್ತಾ 48ರ ಪ್ರಕಾರ ಕೋಟಿ ಫೀಯನ್ನು ವನಾಲ ಮಾಡುವುದಕ್ಕೆ ಬಿರುವಿಲ್ಲವೆಂದು ಕಾನಿನು ಪ್ರಕಾರ ತೀರ್ಥೇ ಬಿರುತ್ತದೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಬಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದು ಕೆಲವು ಶಿಂಗಳನ್ನು ಸೇರಿಸಬೇಕಿಂದಿದ್ದೇವೆ ಎಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು.

“In Article 3 of Schedule II to the principal Act, for the words ‘from an order’, the words ‘from a decision or an award or order’ shall be substituted.”

ಎಂದು ಇಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಅಂದರೆ ಹೊನವಾಗಿ ಡಿಫಿಷನ್ ಮತ್ತು ಅವಾಡ್ ಎಂಬ ಶಿಂಗಳನ್ನು ತಂದಿದ್ದು ಪಡಿಯ ಮಾಲಿಕ ಸೇರಿಸಬೇಕಿಂದು ಸಕಾರದವರು ಈಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ರೂಪ್ತಾ ಅಕ್ಷಯಿಷ್ಣನ್ ಪ್ರೌಸ್ಥಿರಿಂಗ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಒಬ್ಬ ಮನುಷ್ಯ ತನಗೆ ಸಿಕ್ಕಿರುವ ವೇಳಿಲಗು ಸಾಲದು ಎಂದು ಕಂಡುಬಂದಾಗ ಅಶ್ವಿಲ್ ಹೋಗ್ಗುವದಕ್ಕೆ ಅವಕಾಶ ಇದೆ. ಈ ತಿದ್ದುಪಡಿ ಮನುಳೆ ಪಾನಾದರೆ ಇನ್ನು ಮುಂದೆ ಕೋಟಿಗೆ ಹೋಗ್ಗುವವರು ಅವಾಡ್ ಬಂದಿದ್ದ ಮತ್ತು ಅವರು ಕೇಳಬೇಕಿಂದು ಹಳಿಗೆ ವ್ಯತ್ಯಾಸಕ್ಕೆ ಕೋಟಿ ಫೀ ಕೆಂಡಬೇಕಾಗುತ್ತದೆ. ಸಕಾರದವರು ಒಬ್ಬ ನಿಜ ಜಿಯನುದಾರನ ಭಾರವಿಯನ್ನು ಯಾವುದೇಗೂ ಕಾರ್ಯಕ್ರಮಿಸ್ತು ನ್ಯಾಧಿನಪಡಿಸಿಕೊಂಡಿರುತ್ತಿದ್ದೇ ಹೆಚ್ಚಿನ ವೇಳಿಲಗು ಒರಬೇಕಿಂದು ಕೋಟಿಗೆ ಹೋಗ್ಗಲು ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಫೀ ಕಟ್ಟಲ್ಪಿ ಅತನಿಲ್ಲಿತ ಈ ಕೋಟಿ ಹೋಗ್ಗುವದಿಲ್ಲ. ಕೋಟಿ ಫೀ ಕೋಟಿ ಹೆಚ್ಚಿನ ಮೊಬಿಲಿಗು ಕೇಳಬೇಕಿಂದು ಹೋಗ್ಗುವ ನರಿಯಲ್ಲ. ತನಗೆ ನಿರಿಯಾದ ಪರಿಹಾರ ಸಿಗಬೇಕಿಂದು ಅತ ಕೋಟಿಗೆ ಹೋಗ್ಗತ್ತಾನೆ. ಆ ರೀತಿ ಕೇಳಬೇಕಾದ ಹಕ್ಕು ಅತನಿಗೆ ಇದೆ. ಅಂದರೆ ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಕೋಟಿಗೆ ಫೀ ಕಟ್ಟಿದೆ ಹೆಚ್ಚಿನ ಪರಿಹಾರ ಕೇಳಬೇಕಾದಕ್ಕೆ ಬಿರುವದಿಲ್ಲ. ಈ ಕಾರಣದಿಂದ ಈ ತಿದ್ದುಪಡಿ ತೆಂದಿರುವುದು ಸಾಧಾನ್ಯ ಜನರಿಗೆ ಅನಾಯಾ ಮಾಡಿದಂತಾಗುತ್ತದೆ. ಅಸ್ತಿ ತೇಂದು ಕೊಂಡ ಮನುಷ್ಯ ತನಗೆ ನಾಯಾವಾಗಿ ಬಿರಬೇಕಾದ ಪರಿಹಾರ ಬಿರದೇ ಹೋದ್ದಾಗ ಅಶ್ವಿಲ್ ಹೋಗ್ಗಲು ಫೀ ಕಟ್ಟುವ ಶಕ್ತಿ ಇದ್ದರೆ ಮಾತ್ರ ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಅವಕಾಶವಾಗುತ್ತದೆ ಅಂದರೆ ಇಂತಹ ಸಾಧಾನ್ಯ ಜನರು ಮತ್ತೆ ಅಶ್ವಿಲ್ ಹೋಗ್ಗಾವಳಿಸುತ್ತಿದ್ದು ತಪ್ಪಿನಲ್ಲಿ ಸಕಾರದವರು ಬೇರೆ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ಕೊಟ್ಟ ಅವಾಡನ್ ಮಾತ್ರ ತಗೆದು ಕೊಳ್ಳಬೇಕಿಂದು ಸಕಾರದವರು ಈ ಮಾಲಿಕ ಹೇಳಿದಂತಾಗಿದೆ. ಈ ರೀತಿಯೇ ಬಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರಾಗಳು ಪಾನೆ ಮಾಡುವುದಕ್ಕೆ ಅನುಮತಿ ಕೊಡಬಾರದೆಂದು ಕೇಳಿ ಕೊಳ್ಳಬೇಕಿಂದೆನೆ. ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ 10 ಸಾವಿರ ರೂಪಾಯಿಗಳನ್ನು ಹೆಚ್ಚಿನ ಪರಿಹಾರ ಕೇಳಬೇಕಾದರೆ ಇ ಸಾವಿರ ರೂಪಾಯಿಗಳ ಕೋಟಿ ಫೀಯನ್ನು ಕಟ್ಟಬೇಕಾಗುತ್ತದೆ, ಇದು ನರಿಯಲ್ಲ. ಅಗಿರತಕ್ಕಂಥ ಕಾಲುದೆಯನ್ನೇ ಮುಂದುವರೆಸಿ ಸಾಧಾನ್ಯ ಜನರಿಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಬೇಕಿಂದು ಕೇಳಿಕೊಳ್ಳಬೇಕಿನ್ನೇನೆ. ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಶ್ರೀಕಂಠಯ್ಯನವರು ಸಹ ತಮ್ಮ ಅಭಿಪೂರ್ಯವನ್ನು ಈ ಬಿರ್ ಬಿಗ್ಗೆ ತಿಳಿಸಿದಾರೆ. ಏರಡು ಮೂರು ದೃಷ್ಟಿಯಿಂದ ಯಾರು ಹೆಚ್ಚಿನ ಕ್ಷೇತ್ರದಲ್ಲಿ ಮಾಡಬಾರದೆಂಬ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಲಾಗಿದೆ. ಕೋಟಿ ಫೀ ಕಟ್ಟಬೇಕಿಂದು ಹೇಳಿತ್ತಿರುವುದು ಅಗಿರಬ ಹಕ್ಕನ್ನು ತಗೆದುಹಾಕಿದಂತಾಗುತ್ತದೆ. ಒಬ್ಬ ಮನುಷ್ಯ ತನ ಅನ್ವಯನ್ನು ಸಹ ಅನ್ವಯನ್ನು ಕೆಳೆದುಕೊಳ್ಳಬಾಗ ಹೆಚ್ಚಿನ ಪರಿಹಾರ ದೇವರಕಿಸಿಕೊಳ್ಳಬೇಕಾದರೆ ಫೀಯನ್ನು ಕಟ್ಟಬೇಕಿಂದು ಹೇಳಬುದು ನರಿಯಲ್ಲ. ಬಂದು ಪಕ್ಕ ಫೀಯನ್ನು ಕಟ್ಟಿ ನಾಳೆ ಅತನ ಪರವಾಗಿ ಕೋಟಿಗಳನ್ನಲ್ಲಿ ಶ್ರೀಮಾನ್ ಸಾಧಾರಣವಾದರೆ ಆ ಫೀ ಬಿಕಣ್ ನು ಸಹ ಸಕಾರದವರೆಗೆ ಕೊಡಬೇಕಾಗುತ್ತದೆ ಅಂತಹ ಸಹ ಈಗ ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯನವರು ಹೇಳಿದಾರೆ. ಸಾಧಾನ್ಯ ಜನರ ಹಿತ ದೃಷ್ಟಿಯಿಂದ ಈ ಮನುಳೆಗೆ ತಿದ್ದುಪಡಿ ತೆಂದಿರುವುದು ಸರಿಯಲ್ಲ. ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಪಾನೆ ಮಾಡುವುದಕ್ಕೆ ಮಾನ್ಯ ಸದಸ್ಯರಾಗಳು ಏರೋಡ್ ಮಾಡಬೇಕಿಂದು ವಿನಂತಿ ಮಾಡಿಕೊಂಡು ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†**SRI D. B. KALMANKAR.**—Mr. Speaker, Sir, when I asked for a clarification, the Hon. Minister was pleased to state that in Miscellaneous First Appeals of Narsiyappa and others, the High Court has held that this section is applicable only to order of Civil Courts and not to award of arbitrators relating to compensation. If the object of the Government is to restrict the scope of this Bill only to the appeals arising out of the award passed under the Requisition and Acquisition of Property Act, then I feel nothing could have prevented them from saying so in specific terms in this Bill itself. By saying ‘under any Act’ the scope of the Bill has been widened. Since it was clarified that the scope of the Bill is restricted to the Requisition and Acquisition of Property Act, my submission is that, that may be stated specifically in the Statement of Objects and Reasons and suitable amendments may be made wherever necessary in the Bill also. Otherwise the provisions will be very harsh and the scope will be widened to the detriment of the parties who go in appeal.

Then by amendment of section 49 and Schedule II they are going to apply this to other cases also. Suppose the compensation claimed is Rs. 500 and compensation under the award given is Rs. 400. In that case court fees to be paid will be on Rs 100 which will come to Rs. 7-50. Like that there is every possibility that if the amount involved is higher, then the court fees to be paid will be more. So by this amendment also whereas at present it is sufficient for a petitioner going in appeal to pay court fees of Rs. 2 or 4 under the existing law, hereafter he is made to pay court fees on the difference between the compensation actually paid to him and the compensation which he claims and for which, being aggrieved by the award or the decision of the authority, he has to go before the court. So I think from that point of view the present Bill has to be vehemently opposed because it was sufficient for him to pay a nominal court fees under the existing law. If the information given by the Hon. Minister as to what the High Court has said is correct, then by virtue of this amendment the class of people who would be required to pay only nominal court fees would now be required to pay *ad valorem* court fees if this Bill is passed. So I say this particular Bill is very dangerous as it involves so much of expenditure by way of court fees to persons who are involved in litigation. So I oppose this vehemently.

†**SRI V. N. PATIL.**—Sir, I oppose the Bill on the following grounds. The office of Land Acquisition Officer is mostly held by revenue officials and not by judicial officers. The judiciary comes into the picture only at the appellate stage and not at the original, initial stage. The revenue officials being merely administrative officers in most of the revenue matters their decisions are based on summary enquiry. The bent of mind of revenue officials is mostly on summary enquiry of the matter, because the tradition under which we are going on for the last 20 years since independence, is making them adhere only to summary enquiry and not try to apply a judicious mind, as judicial officers and civil courts generally

apply. The civil courts are brought into the picture only at the appellate stage. In this case what the amendment seeks to do is this. "For the words 'an order', the words 'a decision or an award or order' shall be substituted. Against the order of a revenue official in Miscellaneous Appeal in the High Court the Government failed in the matter because Government sought to levy court fee on the appeal filed by the aggrieved party who is an agriculturist, Narsiyappa. The decision given by the High Court in Narsiyappa's case has given rise to certain points here. Having failed before the High Court to secure court free from the agriculturist, the Government now think of levying this court fee from the agriculturist class, the peasantry and small landholders. They want to squeeze from them what little they have got. If this system continues these poor dumb millions will have to revolt and bring about social reform. Even after 20 years of independence, we are required to fight against the Government because the Government are trying to take away what little the agriculturists have. This extra burden is unbearable for them. Who is required to pay this? It is the poor agriculturist. It is not the rich or the money lending class. This burden will have to be borne by the weaker section of the agriculturist class having 5 or 6 acres of land. The Government dare not touch the lands of the rich and the money lending class or of the big toddy contractors, because their very existence depends on these vested interests and so necessarily the Government would try to put this burden on the poor agriculturists owning 5 or 10 acres of land. It is only their lands that would be sought to be acquired by the Government. The Government dare not touch the lands of the rich people or the toddy contractors. Since the officers who deal with these cases of the poor agriculturists happen to be mostly the revenue officials, the compensation awarded by them also would be regressive and not progressive. So by this amendment the Government are trying to crush the poor agriculturists who have very poor means of livelihood. Is this democracy? Is this socialism? Is this socialism that you are preaching? I know that the Congress party no more believes in socialism. In this session except for two or three members, nobody from the other side even used the word 'socialism'. Possibly, they do not want to show even lip sympathy, far from implementing socialism. So my appeal to Government is, do not take away the right of these poor agriculturist class by this amendment. It would be a black deed and a black day if you pass the present Bill because by passing this Bill you would be taking away even what little is left with the poor agriculturists. Suppose the lands of a poor agriculturist are acquired and he has claimed a compensation of Rs. 750, but he has been awarded a compensation of only Rs. 500. If this poor agriculturist who has lost all his land and is left without any land wants to make an appeal for the remainder Rs. 250, under the amending Bill he will now have to pay court fees on this difference of Rs. 250. This will act as a very great hardship on this poor man who has been deprived of his land and is left without any means of livelihood. This is a black deal and a black activity on the part of the Government. The Government should

(SRI V. N. PATIL)

in fact give him a chance to fight out his case and get the full compensation instead of asking him to pay court fees on the disputed amount of the compensation. This is a very harsh piece of legislation on these poor people. You are trying to tell these poor people, 'we will take away your lands, we will not give you full compensation, we will give you only this much and if you want more, pay court fees and then go in appeal.' This is very unjust to these poor people. Even in big temples, the temple poojaris sit like black stone and say : "unless you pay so much amount, you will not be allowed inside." Sir, the Government is creating such a class. The doors of the temples should be open to all, irrespective of their capacity to pay. They have not prevented any agriculturist from filing a proper suit in a court of Law, and in order to succeed in his petition, he will have to spend hundreds of rupees. The Hon. Minister for Parliamentary Affairs has been referred by several hon. members as an advocate of eminence. Being an Advocate of eminence, he ought to have suggested something which is going to help the agriculturists, and not to curb them. Do not take away the valuable rights of the poor agriculturists. Otherwise, they will be ashamed to garland you in future ; they will be ashamed to call you as their leader. In the name of legislation, you are curbing the people's right. This amendment "for the words 'an order'. the words 'a decision or an award or order' shall be substituted", is most unfortunate. Even the High Court has not appreciated their demanding the court fee ; the High Court is not in favour of charging court fee to them. The previous legislators and law never contemplated collection of court fee on differential amount. They had in their mind the difficulties of the people. This Act was passed in 1958. Now, in the year 1969, shall we come here to curtail what little valuable or precious right the citizens and agriculturists had ? Is it right to cut the feathers of these poor agriculturists ? I request the Hon. Minister to take the blessings of the people, so that he may survive for more number of years as a Minister. If you take away the right of appeal by demanding more court fee, you are depriving them of their valuable ancestral property. It is not correct to demand court fee on the differential amount. Supposing a land is worth Rs. 12,000, and if it happens to be worth Rs. 25,000—after some time, can you expect an agriculturist to pay court fee on the difference of Rs. 13,000 ? I have seen many agriculturists, who cannot even afford to go to a Court as they are not in a position to pay the court fee. In our drought area, people are unable to pay even land revenue and their lands are put to auction sale. Therefore, this legislation is devoid of moral and legal principles and is opposed to democratic ideas. I oppose the Bill and press for its withdrawal.

† Sri L. SRIKANTAIAH.—Sir, I request the Hon'ble Minister for Parliamentary Affairs to give me one more clarification. Under the present scheme of Suits Valuation Act. an award is passed by a Land Acquisition Officer, and on reference, the matter comes up before the

Civil Court. I am quite sure that no Court fee is paid in the Court of first instance. It is only when either the Government or the aggrieved party goes in an appeal, the question of court fee arises. The amendment to Section 48 tries to bring in a new thing. This Section is going to accommodate only such cases of awards of arbitrators, which are going to be confirmed later on by the Civil Court. I would like to suggest to the Hon'ble Minister one thing. My learned friend Sri C. K. Rajaiah Setty said that in all cases, say in 90 to 95 per cent of the cases, invariably it is the owner of the property, who gets an award, and in all such cases an extra award is passed. Therefore, I would suggest a comprehensive amendment to Section 48 itself. There are two types of acquisitions : (1) for public purposes, either for the governmental purpose or local body or municipality, or (2) under Article 31 of the Constitution for any industrial purpose, where the cost of the acquisition is paid by the industrialists. In the case of acquisition for a public purpose, either for the Governmental purpose or local bodies or municipalities, the fee to be levied in matters of appeal, goes ultimately to the Government, because if the party succeeds, the Government will have to pay the cost. In such cases, the fee may not be levied. If the Government acquires the property, on behalf of industrialists, for industrial purposes, then, you can levy court fee. Why I am insisting on that point is, in case the aggrieved party wins the case, the Government will have to pay the cost. Court fee may therefore be exempted in the case of acquisitions by the Government for their own purpose or acquisition on behalf of a Municipality or local body, and in the case of first appeal to the High Court on behalf of Industrialists, where the industrialist pays the full acquisition amount, court fee may be levied. I request the Hon'ble Minister for Parliamentary Affairs to please consider this aspect of the matter.

Sri K. PUTTASWAMY.—Sir, I move that the time be extended by half-an-hour.

Mr. DEPUTY SPEAKER.—Is it the pleasure of the House that the time be extended up to 7-30 P.M.?

HON'BLE MEMBERS.—Yes.

Mr. DEPUTY SPEAKER.—The time is extended up to 7-30 P.M.

Sri V. N. PATIL.—Sir, it is already 7-00 P.M. Let us take up this Bill tomorrow.

Shri E. S. Hegde.—ఎన్. సంజేగారు.—నావ్యామి, ఈ బిల్లును నాచే తెగేదుకోవాటపుడు. ఈ వేళ బహమాగిదే.

Mr. DEPUTY SPEAKER.—We are already in the middle of the discussion. Let us finish this Bill.

Sri M. S. KHISHNAN.—Why should we be in such a hurry?

7:00 P.M.

MR. DEPUTY SPEAKER.—The Hon'ble Minister has already started his reply and the time has also been extended.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ನಾಯಿ, ಅಗ ಮಾನ್ಯ ಸದಸ್ಯರು ಆ ಮಾನುಧೇಯ ವಿಚಾರದಲ್ಲಿ ತಮ್ಮ ಅಭಿಪೂರ್ಯಗಳನ್ನು ತಿಳಿಸಿದ್ದಾರೆ. ಅವರು ಹೇಳಿದ ಅಭಿಪೂರ್ಯಗಳು ಮಾನುಧೇಯ ಬಣ್ಡೇಶ್ವರಕ್ಕೆ ತೀರಿದೂವಾಗಿವೆ. ಶ್ರೀ ಪಾಟೀಲರು ಇಟ್ಟರುವ ಕನಕರಕ್ಕಾಗಿ ಅವರನ್ನು ಬಹಳ ಪ್ರಶ್ನಂತಿಮಾನದುತ್ತೀನೆ.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ಅಗ 7 ಗಂಜಿಯಾಗಿದೆ, ನಭಿ ಇಲ್ಲಿಗೆ ಮುಕ್ತಾಯ ಮಾಡುವುದು ಪೊಕ್ಕ.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂజೀಗೌಡ.—ನಭಿ ಇಲ್ಲಿಗೆ ಮುಂದುವರಿಸಿ ನಾಳಿ ಬ್ಲಾನ್‌ನ್ನು ತೋದು ಕೊಳ್ಳುಹಂತು.

ಉವಾದ್ವಾಕ್ಯರು.—ನಭಿಯ ಅಭಿಪೂರ್ಯ ತಗೆದುಕೊಂಡಿದ್ದೇನೆ. ಅಧಿಕ ಗಂಜಿಯವರಿಗೆ ಕಾರಾವಕಾಶ ಕೂಡ ಹೆಚ್ಚಿನಲಾಗಿದೆ.

(*Sriyuths H. N. Nanje Gowda, D. B. Kalmankar, S. H. Puttaranganath, V. L. Shivappa, B. B. Sayanak and K. H. Ranganath withdrew.*)

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಅಗಿರುವ ರೀತಿಯಲ್ಲಿ ರಾಘಂಡ್ ಅಕ್ಷಯಿಂಬನ್ ಆಕ್ಷ್ಯಾ ರೀತ್ಯ ಭಂಗಿಯನ್ನು ಅಕ್ಷಯಿಂಬನ್ ಮಾಡಿದಾಗ ರಾಘಂಡ್ ಅಕ್ಷಯಿಂಬನ್ ಅಫೀಸರು ಅವಾಡ್‌ ಕೂಡಾವರು.

ಶ್ರೀ ಎಂ. ಎನ್. ಕೃಷ್ಣನ್.—ಹೇಗೆಂದೂ ಈ ಬಿರುವಾನಾಗುವುದು, ಇಂದು ಪಾನಾಗು ವರರಿಗೆ ಕೂಡಬೇಕಾಗಿಲ್ಲ.

SRI K. PUTTASWAMY.—The hon'ble Member is giving a sermon. He must know the rules. It is not his monopoly.

SRI M. S. KRISHNAN.—He is not here to dictate to me. He is after all a Minister. He cannot dictate to me.

MR. DEPUTY SPEAKER.—He is addressing the Chair.

SRI M. S. KRISHNAN.—The Hon'ble Minister cannot use words which are uncharitable and unbecoming of a Minister. The Chair is there to direct me.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ನಾವು ಎಪ್ಪು ಹೇಳಿದರೂ ಕೇಳುತ್ತಿಲ್ಲ. ಅಗ 7 ಗಂಜಿಯಾಗಿರುವುದರಿಂದ ನಾಳಿ ಮುಂದುವರಿಸಬಹಂತು.

(*Sriyuths Vatal Nagaraj, M. Nagappa and N. G. Halappa withdrew.*)

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ,—ರಾಘಂಡ್ ಅಕ್ಷಯಿಂಬನ್ ಆಕ್ಷ್ಯಾ ಪ್ರಕಾರ ಭಂಗಿಯನ್ನು ಅಕ್ಷಯಿಂಬನ್ ಮಾಡಿಕೊಂಡಾಗ ಅಕ್ಷಯಿಂಬನ್ ಅಫೀಸರ ತ್ರೇಮಾರ್ವದಮೇರ ಪರಿಕಾರ ಸಾಲದೆಂದು ಸಿಪರ್ ಕೊಳ್ಳಿತ್ತು ವ್ಯವಹರಿಸುವಾಗ ಭಂಗಿಯಲ್ಲಿ ಯಾವ ವಿಧವಾದ ಕೊಳ್ಳಿತ್ತು ಫೀಜನ್ನು ಕೂಡಬೇಕಾಗಿಲ್ಲ, ಕೊಳ್ಳಿತ್ತು ಪರಿಕಾರ ಸಾಲದು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಕೂಡಬೇಕು ಎಂದು ಅಫೀಸರು ಮಾಡುವಾಗ ಮಾತ್ರ ಕೊಳ್ಳಿತ್ತು ಫೀಜು ಕೂಡಬೇಕು. ಅದರೆ ಶ್ರೀ ಎನ್. ಪಾಟೀಲರು ಇದರಿಂದ ಬಂಡವರಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ, ಅವರಿಗೆ ಅಫೀಸರು ಮಾಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ ಎಂದು ಶೇಖದ್ದು ನರಿಯಲ್ಲ. ಈ ತಿಳಿ ಪಡಿ ಮಾನುಧೇಯನ್ನು ಬಹಳ ಸಂಕುಚಿತವಾದ ಬಣ್ಡೇಶ್ವರದಿಂದ ತರಲಾಗಿದೆ. ಈ ಆಕ್ಷ್ಯಾ ಪ್ರಕಾರ ಏಲಿಟರಿ ಪರಿಸರದ ಮಾನುಧೇಯನ್ನು ಅಕ್ಷಯಿಂಬನ್ ಮಾಡಿಕೊಳ್ಳಬೇಕು ಗುವುದು. ಹಾಗೆ ಅಕ್ಷಯಿಂಬನ್ ಅಧಾರ ಪರಿಕಾರವೇನು ಕೂಡಬೇಕು ಎಂಬುದನ್ನು ಒಬ್ಬಾರ್ಥಿಕ್ಕಿರುವುದು. ಅರ್ಥಾತ್ ಅಕ್ಷಯಿಂಬನ್ ಸರಿಯಾಗಿಲ್ಲ, ಹೆಚ್ಚು ಪರಿಕಾರ ಕೂಡಬೇಕು

ಎಂದು ಅವೀಲು ಹಾಕಿದಾಗ ಮಾತ್ರ, ಈ ತಿಂಡುಪಡಿ ಅನ್ಯೆಲುನುವುದು. ಈಗ ಹೈಕೋರ್ಟ್‌F ಮೇಲಿಂದ ಹೋದ ಬಂದು ವೇಸಕದ್ದೆಯಲ್ಲಿ ಅವಾಡ್‌F ಹೇಗೆ ಅದ ಅಫೀಲಗೆ ಕೋರ್ಟ್‌F ಫೀ ಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಮಾಡಿರುವುದು ಸರಿಯಲ್ಲ. ಕಾರಣ ಭೂಮಿಯನ್ನು ಖೂಳಣಿ ಪರಿಸರದಲ್ಲಿ ಅಥವ ಯಾನಾಯಾನ ಗದನ್‌F ಮೇಂಟ್‌F ಪರ್‌ಪನ್‌ಗೆ ವರ್ತಪಡಿಸಿಕೊಂಡಾಗ ಅದಕ್ಕೆ ಬೇರೆ ಅರ್ಬಿಷೈಕ್‌F ಒಳಗೆ ನೇಮಿಕವಾಡುವರು, ಅವರು ತೀವ್ರಾನ ಮಾಡುವರು. ರಾಂಡ್‌ ಅಕ್ಷಯಿಷೈಕ್‌ ಪ್ರಕಾರ ಬಂದು ಅವಕಾಶವೇನಿದೆ ಅವಕ್ಷಿಂತ ಹೆಚ್‌, ಅವಕಾಶ ರಾಂಡ್ ಅಕ್ಷಯಿಷೈಕ್‌ ದುತ್ತು ರಿಂಡ್ಯಿಷನ್‌ ಅಕ್ಷಿನಲ್ಲಿ ಕೊಡರಾಗಿದೆ. ಅನೇಕ ಸಂಭರಿಗಳಲ್ಲಿ ಅವಾಡ್‌F ನ್ಯಾನ್ ಕೊಡುವರೋ ಅದರವೇಗೆ ಅವೀಲು ಮಾಡುವುದಿಲ್ಲ, ಅವೀಲು ಬಂದಾಗ ಕೋರ್ಟ್‌F ಫೀ ಕೊಡಬೇಕು. ರಾಂಡ್ ಅಕ್ಷಯಿಷೈಕ್‌ ಅಕ್ಷಿನಲ್ಲಿ ಕೋರ್ಟ್‌F ಫೀ ಲಕ್ಷ ಹಾಕುವಹಾಗೆ ಇಡಕ್ಕೂ ಹಾಕಬೇಕು ಎಂದು ತಿಂಡುಪಡಿ ಈ ಬಿಳ್ಳಿನಲ್ಲಿ ತಂದಿದೆ.

ಶ್ರೀ ಎರ್. ಶ್ರೀಕಂಠಯ್ಯ.—ಹಾಗಾದರೆ ಗದನ್‌F ಮೇಂಟ್‌ಗೆ ವಿರುದ್ಧವಾಗಿ ತೀವ್ರಾನ ಹೈಕೋರ್ಟ್‌F ಕೊಳ್ಳುವೇ ಭಾರ ಯಾರಮೇಲೆ ಬೀಳುವುದು?

ಶ್ರೀ ಕೆ. ಪ್ರಪ್ರಸಾದ್‌ಮಾರ್ತಿ.—ಅವರಿಗೆ ಹೊಸದಾಗಿ ಹೈಕೋರ್ಟ್‌ಕಾಗಿಲ್ಲ. ಸರಕಾರ ಎಫ್‌ಎಸ್‌ ವೇಲಕದ್ದುಮೇರ್ಗಳಲ್ಲಿ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಯಾಗಿರುವುದು. ಕೋರ್ಟ್‌F ತೀವ್ರಾನ ಮಾಡುವಾಗ ಜಡ್‌ಮೇಂಟ್ ಪ್ರಕಾರ ಯಾರು ಖಚಿತ ಕೊಡಬೇಕೋ ಅವರು ಕೊಡಬೇಕು. ಸಾಮಾನ್ಯವಾಗಿ ಬಂಧು ಪಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಗೆ ಇರುವ ಹಕ್ಕುಗಳಿಗಂತ ಹಕ್ಕು ಹಕ್ಕು ಸಮಗ್ರಿಗೆ ನೀಡಿಲ್ಲ. ಸಾಮಾನ್ಯ ವಾದಿ, ಪ್ರತಿವಾದಿ ಕೋರ್ಟ್‌F ಖಚಿತ ಕೊಡಬೇಕಾದಾಗ ಹೇಗೆ ಕೊಡುವನೋ ಹಾಗೆ ಕೋರ್ಟ್‌F ಅರ್ಜರು ಮಾಡಿದಾಗ ಸರಕಾರ ಕೂಡ ಆ ವೆಚ್ಚ ಕೋರ್ಟ್‌F ಖಚಿತ ಕೊಡಬೇಕು. ಈಗ ತಂದಿರುವ ತಿಂಡುಪಡಿ ಕೆಲವು ಸಂಭರಿಗಳಲ್ಲಿ ವಾತ್ರ ಅನ್ಯೆಲುನುವುದು. ರಾಂಡ್ ಅಕ್ಷಯಿಷೈಕ್‌ ಅಧಿಕ ರಿಂಡ್ಯಿಷನ್‌ ಅಕ್ಷುಗಳ ಪ್ರಕಾರ ಅಥವಾ ಚೇರೆ ಅಕ್ಷುಗಳ ಪ್ರಕಾರ ಅರ್ಬಿಷೈಕ್‌ ರ್‌ ನೇಮುಕ ವಾಗಿ ಅಪರು ಕೊಟ್ಟ ಅವಾಡ್‌F ನ್ಯಾನ್ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿ ಒಪದೆ ಅವೀಲು ಮಾಡಿದಾಗ ಕೋರ್ಟ್‌F ಫೀ ಕೊಡುವಹಾಕ್ಕೆ ಅವಕಾಶವಿದೆಯೇ ಹೊರತು ಮತ್ತೆ ಬೇರೆ ಇಲ್ಲ. ಅದುದರಿಂದ ಈ ತಿಂಡುಪಡಿ ಮಂತ್ರಾದೆಯನ್ನು ಸಭೆ ಬಹಿಕೋಳ್ಳಬೇಕೆಂದು ಏನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. DEPUTY SPEAKER.—The question is:

“The Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration.”

The motion was adopted.

CLAUSES

Mr. DEPUTY SPEAKER.—There is an amendment by Hon. Member Sri M. Nagappa to clause 2. The Hon. Member is absent. I shall now put the clauses to the vote of the House. The question is :

“That Clauses 2 to 4, both inclusive do stand part of the Bill.”

The motion was adopted.

Clauses 2 to 4 both inclusive were added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 1, the long Title and the Enacting formulae do stand part of the Bill.”

The motion was adopted.

Clause 1, the long title and the enacting formulae were added to the Bill.

motion to pass.

Sri K. PUTTASWAMY.—Sir, I move :

“That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be passed.”

MR. DEPUTY SPEAKER.—The question is :

“That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be passed.”

The motion was adopted.

Business of the House

MR. DEPUTY SPEAKER.—There is an announcement. The Business Advisory Committee at its meeting held to-day has decided that the House may sit till Friday, the 11th April 1969, to transact the following business :

1st, 2nd, 3rd and 7th April :—Legislative Business.

8th, 9th, 10th and 11th April :—

1. Non-official business. Discussion of the Budget Estimates of Electricity Board.

2. Privilege matters.

3. Report of the Rules Committee.

The House now stands adjourned to meet tomorrow at 1 P.M.

The House adjourned at Ten Minutes past Seven of the Clock to meet again at One of the Clock on Tuesday the 1st April 1969.